



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 11-16

March 28, 2016

Petition of Recipients of Collect Calls from Prisoners at Correctional Institutions in
Massachusetts Seeking Relief from the Unjust and Unreasonable Cost of such Calls

**HEARING OFFICER RULING SECURUS TECHNOLOGIES INC.
MOTION FOR EXTENSION OF TIME**

On March 18, 2016, the Department of Telecommunications and Cable (“Department”) issued a Notice of Briefing Schedule in the above-captioned proceeding directing parties to file and serve initial briefs on or before April 15, 2016 and reply briefs on or before May 12, 2016. On March 23, 2016, Securus Technologies, Inc. (“Securus”) filed a Motion for Extension of Time with the Department (“Motion”). Securus requests that the Department extend the time for filing and serving initial briefs to and including April 25, 2016 and the time for filing and serving reply briefs to and including May 23, 2016. Motion at 1. Securus asserts that it has been authorized to represents that Petitioners, Global Tel* Link, and Inmate Calling Solutions, LLC have no objections to the requested extensions. *Id.* at 3. For the reasons details below, the Department grants the Motion and extends the time for filing and serving initial briefs to and including April 25, 2016, and the time for filing and serving reply briefs to and including May 23, 2016.

A motion for an extension of time must be made in accordance with 220 C.M.R. § 1.04(5) and made before the expiration of the period originally prescribed or as previously extended. 220 C.M.R. § 1.02(5). The Department, for good cause shown, may extend the

deadline for any time limit prescribed or allowed by the Department's procedural rules. *Id.*

While good cause may not have a precise definition, administrative efficiency requires that a proponent of a waiver state all available grounds at the time the ruling is requested. *See Investigation by the Dep't on its own motion as to the propriety of the rates and charges set forth in the following tariffs: M.D.T.E. Nos. 14 & 17, filed with the Dep't on Aug. 27, 1999, to become effective on Sept. 27, 1999, by Verizon New England Inc. d/b/a Verizon Mass., D.T.E. 98-57-Phase I, Order on Motion of Verizon for Reconsideration & Clarification; Motion of AT&T for Clarification; Motion of RNK For Clarification; Late-Filed Motion of NAS for Limited Intervention; & Review of Verizon's Compliance Filings at 60 (Sept. 7, 2000) ("Verizon MA").* In considering motions for extensions of time, the Department has stated, "good cause is a relative term and it depends of the circumstances of the individual case. Good cause is determined in the context of any underlying statutory or regulatory requirements, and is based on a balancing of the public interest, the interest of the party seeking an exception, and the interests of any other affected party." *Investigation by the Dep't on its own motion as to the propriety of the rates & charges set forth in the following tariffs: M.D.T.E. Nos. 14 and 17, filed with Dep't on Aug. 27, 199, to become effective on Sept. 27, 1999, by New England Tel. and Tel. Co. d/b/a Bell Atlantic-Mass., D.T.E. 98-57, Order Granting Bell Atlantic's Motion for Extension at 4 (June 2, 2000) ("Bell-Atlantic").*

Securus asserts that good cause exists to grant its requested extension because: the 10 day extension is a relatively brief period of time; the extension does not affect the provisions of the FCC Order not stayed by the United States Court of Appeals for the District of Columbia ("DC Circuit Court"); preparing the briefs will require review of the record that dates back to 2012; and no parties object nor will be prejudiced by the brief extension. Brief at 1-3. The Department

agrees that good cause exists to grant an extension of time. An important public interest is served when the Department conducts a proceeding in a complete, efficient, and orderly fashion. *Adjudicatory hearing in the matter of the complaint of Kenneth Strong protesting rates & charges for electricity provided by Mass. Electric Co., D.P.U. 89-AD-2, Order Dismissing Appeal of Informal Decision by Complainant* at 4 (Feb. 23, 1995) (“Mass Electric Co.”); *Investigation by the Dep’t of Telecomms. & Energy on its own motion as to the propriety of the rates & charges set forth in the following tariff: M.D.T.E. No. 14, filed with the Dep’t on June 16, 2006, to become effective July 16, 2006, by Verizon New England Inc. d/b/a Verizon Mass., D.T.C. 06-61, Order on Clarification & Partial Reconsideration* at 7 (May 11, 2012) (“Verizon MA”). The Department should avoid repeated, unwieldy delay, but must look to the facts and circumstances in each proceeding to determine if on balance delay is appropriate. *Id.* This proceeding has a long history, but recent actions of the Federal Communications Commission (“FCC”) and the DC Circuit Court have an effect on the matters at issue in this proceeding. *See* Securus Motion at 2; Notice of Briefing Schedule at 1 (Mar. 18, 2016). Parties may benefit from additional time to review the record in this proceeding and the relevant documents from the FCC and the DC Circuit Court in preparing their briefs. Securus Motion at 2. No parties object to the extension and each party will still have the same number of days to prepare their initial brief and reply brief. Securus at 3. In balancing these interests, the Department finds good cause exists for granting the extension of time.

Accordingly, the Department GRANTS Securus motion for an extension of time. The new deadline for filing initial briefs with the Department as directed in the Notice of Briefing Schedule is on or before close of business on Monday, April 25, 2016. The new deadline for

filing reply briefs with the Department as directed in the Notice of Briefing Schedule is on or before close of business on Monday, May 23, 2016.

By Ruling of the Hearing Officer,

A handwritten signature in blue ink that reads "Michael E. Scott". The signature is written in a cursive, flowing style.

Michael Scott
Hearing Officer

NOTICE OF RIGHT TO APPEAL

Under the provisions of 220 C.M.R. § 1.06(d)(3), any aggrieved party may appeal this Ruling to the Commissioner by filing a written appeal with supporting documentation within five (5) days of this Ruling. A copy of this Ruling must accompany any appeal. A written response to any appeal must be filed within two (2) days of the appeal.